

Appl. No. 10/692,966
Reply to Office Action of August 9, 2005

REMARKS

In the August 9, 2005 Office Action, claims 1-11 were rejected. This Response amends claim 1; after entry of the foregoing amendment, claims 1-11 (11 total claims; 1 independent claim; no additional claim fees required) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendment and the following remarks.

Claims 1-6 and 8-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by Repe et al., USPN 4,879,941 (hereinafter "Repe"). Applicant traverses this rejection.

Repe discloses an ejecting lid for use with a rocket containing munitions. The rocket includes three lids connected at their respective edges with three identical ejecting devices (see FIG. 1 of Repe). FIG. 2 of Repe shows one ejecting device in the "locked" position securing the edges of two adjacent lids; FIG. 3 of Repe shows the ejecting device as it begins to eject; and FIG. 4 of Repe shows the ejecting device after ejection and separation of the two lids. As shown in FIG. 4, the edge of each lid terminates in an L-shaped element. As shown in FIG. 2, the L-shaped elements are held with a key element (reference number 2). An inflatable element 3 expands to eject the key element (see FIG. 3), and ejection of the key element releases each of the lids from the key element (see FIG. 4), which results in separation of the adjacent lids. Notably, expansion of the inflatable element merely forces the key element away from its locked position and expansion of the inflatable element does not bend, physically modify, or alter the lids or the edges of the lids.

In contrast to that disclosed by Repe, claim 1 recites an explosive device that when detonated bends and physically modifies the first and second flanges of the female member to move the flanges away from the male member. Repe neither teaches nor suggests this limitation.

Moreover, Repe does not disclose the flange and member structure of claim 1. For example, claim 1 recites a female member having first and second flanges, where the female member is configured to clamp and hold a male member. The Office Action alleges that Repe's key element is akin to Applicant's female member, where the edge of the lid is considered to be the male member. Applicant disagrees with this comparison because Repe's inflatable element does not cause any bending or modification of the key element, as required by claim 1. Indeed,

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Repe's inflatable element merely pushes the entire key element in the outward direction (see FIG. 3). The Office Action alternatively alleges that Repe's compartment (reference number 7) is akin to Applicant's female member. Applicant also disagrees with this comparison because Repe's compartment does not clamp or hold the "male member" (i.e., the edge of Repe's lid), as required by claim 1. Moreover, Repe's inflatable element does not cause any bending or modification of the compartment (see FIG. 4). Applicant respectfully questions the apparent comparison of two distinct and different physical components (Repe's key element and compartment) to Applicant's female member. Nonetheless, as discussed above, Repe's inflatable element does not cause any bending or physical modification of the key element and/or the compartment, as required by claim 1.

For at least the above reasons, independent claim 1 (and claims 2-6 and 8-11, which variously depend from claim 1) are not anticipated by Repe, and Applicant requests the withdrawal of the §102 rejection of those claims.

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Repe in view of Khatiblou et al., USPN 5,735,626 (hereinafter Khatiblou). Applicant traverses this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

As discussed above, Repe fails to teach or suggest all of the limitations recited in claim 1. Furthermore, the teaching of Khatiblou does not overcome the shortcomings of Repe. Khatiblou discloses the use of a "buckle" type of fastening joint that clips together and is held together using "doublers" (reference number 62) that are sized and configured to lock the two sides of the buckle together. The stiffness of the doublers determines the amount of force needed to separate the two sides of the buckle (see Column 4, Lines 47-60). In other words, the prongs of Khatiblou's female member are not configured to clamp and hold the male member

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without any fastening mechanism holding the flanges to the male member, as recited in Applicant's claim 1. Moreover, the prongs of Khatiblou's female member are not physically modified or deformed upon deployment of the expandable element (reference number 68). Indeed, FIG. 3 of Khatiblou clearly shows the prongs of the female member as unbent, not deformed, and not physically modified. Consequently, even if the proposed combination of Repe and Khatiblou were formed, Applicant's claimed invention would not be obtained.

For at least the above reasons, claim 7 is not unpatentable over Repe in view of Khatiblou, and Applicant requests the withdrawal of the §103 rejection of claim 7.

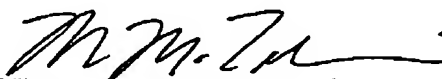
In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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Dated: October 26, 2005

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